

BOARD OF SELECTMEN – MAY 20, 2013

I. Call to Order/Roll Call

Chairman Alex Vispoli reconvened the Regular meeting of the Board of Selectmen to order at 7:05 P.M. in the Selectmen's Conference Room at the Town Offices. Present were: Roll call: Chairman Vispoli-Y and Selectmen Brian Major-Y, Mary Lyman-Y, Dan Kowalski-Y, and Paul Salafia-Y. Also present Town Manager Reginald S. Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cable-cast live.

II. Executive Session

Chairman Vispoli called the Executive Session to order at 6:06 P.M. in the Board of Selectmen's Conference Room in the Town Offices. On a motion by Dan Kowalski and seconded by Paul Salafia, the Board voted 5-0 to enter into Executive Session to discuss confidential communications with Town Counsel and Special Town Counsel for legal advice and to discuss litigation strategy which may have a detrimental effect on the Board's position if discussed in Open Session and to return to Open Session. Roll Call: Chairman Alex Vispoli-Y and Selectmen Dan Kowalski-Y, Brian Major-Y, Mary Lyman-Y, and Pau; Salafia-Y. At 7:02 P.M. on a motion by Dan Kowalski seconded by Brian Major, the Board voted 5-0 to adjourn from Executive Session and move to Open Session, not to return to Executive Session. Roll call: Chairman Vispoli-Y and Selectmen Brian Major-Y, Dan Kowalski-Y, Mary Lyman-Y and Paul Salafia-Y.

III. Opening Ceremonies

Chairman Vispoli asked for a Moment of Silence followed by the Pledge of Allegiance.

IV. Communications/Announcements/Liaisons

The Town Manager made the following announcements:

~ Memorial Day Ceremonies will take place on Monday, May 27th starting at the St. Augustine's Cemetery at 7:30 A.M. followed by ceremonies at the Spring Grove Cemetery at 8:00 A.M, the Public Safety Center at 9:00 A.M. and conclude with the parade which begins at 9:45 A.M.

~ The Hazardous Waste Day held on May 19th was very successful. The next collection day is scheduled for June 1st at West Elementary. To avoid long wait lines, the best time to drop off is after 10:30 A.M. Additionally, the Board has been invited to join Pfizer Corporation in a Sharps Collection Project for needles which are not allowed to be disposed in regular household trash.

~ The Andover Preservation Commission, in conjunction with the Andover Historical Society and Ballardvale Historic District Commission, will hold their Annual Awards Ceremony at Memorial Hall Library on May 29th at 7:00 P.M.

~ The Town Manager asked the Board to schedule an Executive Session meeting on Monday, June 10th to discuss collective bargaining matters.

- ~ The Executive Session meeting to discuss the Andover Youth Foundation Agreement posted for Wednesday, May 22nd has been rescheduled to Tuesday, May 28th from 6:00 P.M. to 7:00 P.M.
- ~ The Senate Budget numbers indicate Andover will receive an estimated \$300,000 more than anticipated.
- ~ Founders' Day will be held on Tuesday, May 21st at the Indian Ridge Country Club at 4:45 P.M

Town Clerk Larry Murphy reminded everyone that the Special Senate Election is coming up and absentee ballots are available for voters with June 5th as the last day to register to vote. The Town Clerk's Office will remain open until 8:00 P.M. on June 5th to accommodate residents.

In honor of Memorial Day, Brian Major shared a photo of his nephew, Ethan Major, who is serving in Afghanistan.

Paul Salafia announced that the Rotary Club will honor the Citizens Who Care and Educator of the Year at their Awards Ceremony to be held this Thursday, May 23rd at the Wyndham Hotel in Andover. Tickets are available online.

Mary Lyman said the Commission on Disability will meet on Wednesday, May 22nd at 7:30 P.M. at the Memorial Hall Library. She also requested an update on the status of the agreement with the School Department on the use of school facilities over the Summer. The Town Manager replied that they are working on the agreement and staff is meeting with the Principal at South School to discuss use of the facility for vacation week. Selectman Lyman also requested that the Superintendent be asked about changing the School Energy Policy and if it can't be done the Board needs to take action. Finally, Ms. Lyman thanked everyone who filled out the questionnaire providing feedback on the Town Accountant's position.

Chairman Vispoli proposed the Board schedule meetings to discuss policies and also proposed adding an agenda item to the Regular Meetings to provide an opportunity for a uniform presentation by different Town committees to discuss what their committee do, what their mission is, etc. He has also been asked if the board meetings can be held in other venues in Town. It is noted that meeting venues need to be ADA compliant and location suggestions should be e-mailed to the Board.

V. Citizens Petitions & Presentations

John Pasquale, 47B Whittier Street, noted that tonight's agenda does not contain any follow-up from the recent Town Meeting. He feels the Board did not accomplish what they set out to do and wants to know what they are going to do about Town Yard.

VI. Public Hearings

A. National Grid & Verizon New England, Inc.

Selectman Major motioned the Board approve the request by National Grid and Verizon New England, Inc. for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way: Wildwood Road – Installing a new stub pole 4104-84 to support its existing line across the street and the removal of an existing pole to tree guy. The approximate location is shown on Plan #14680228, dated April 11, 2013. The request has been reviewed and approved by the Department of Public Works subject to the condition that a street opening permit must be obtained from the Department prior to the commencement of any construction. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

B. Columbia Gas of Massachusetts

1. On a motion by Selectman Major and seconded by Selectman Lyman the Board voted 5-0 to approve the request of Columbia Gas of Massachusetts for permission to excavate for the purpose of replacing and/or extending its gas mains and to make the necessary house connections along said extensions due to the condition of the existing main as shown on plans for Project #12-12958: Replace approximately 3,100 feet of existing 4-inch cast iron gas main on Summer Street with 6-inch high pressure HDPE; replace approximately 750 feet of 4-inch cast iron gas main on Stevens Circle with 2-inch high pressure HDPE; replace approximately 800 feet of existing 4-inch cast iron gas main on Avon Street with 2-inch high pressure HDPE; replace approximately 1,100 feet of existing 4-inch cast iron gas main on Upland Road with 2-inch high pressure HDPE; replace approximately 860 feet of existing 4-inch cast iron gas main on Sherry Drive with 2-inch high pressure HDPE; and to replace/renew services on Stratford Road and Chestnut Street from Pasho Street to Stratford Street.

2. Selectman Salafia motioned the Board approve the request of Columbia Gas of Massachusetts for permission to excavate for the purpose of replacing and/or extending its gas mains and to make the necessary house connections along said extensions due to the condition of the existing main as shown on plans for Project #12-12931: replace approximately 1,960 feet of existing 4-inch cast iron gas main on Tewksbury Street with 2,040 feet of 6-inch high pressure HDPE; replace approximately 1,800 feet of 4-inch cast iron gas main on Center Street with 1,800 feet of 2-inch high pressure HDPE; replace approximately 700 feet of 4-inch cast iron gas main on Oak Street with 850 feet of 2-inch high pressure HDPE; replace approximately 875 feet of 4-inch cast iron gas main on Marland Street with 900 feet of 2-inch high pressure HDPE; and tie in 40 feet on Pole Hill Road. The motion was seconded by Selectman Major and voted 5-0 to approve.

3. Selectman Lyman motioned to approve the request of Columbia Gas of Massachusetts permission to excavate for the purpose of replacing and/or extending its

gas mains and to make the necessary house connections along said extensions due to the condition of the existing main and to coincide with work being done on Topping Road as shown on plans for Project #12-11632: to replace approximately 1,060 feet of existing 4-inch cast iron gas main on Juliette Street with 1,060 feet of 4-inch low pressure HDPE. The motion was seconded by Selectman Salafia and voted 5-0 to approve.

The three Columbia Gas of Massachusetts requests have been reviewed and approved by the Department of Public Works subject to the condition that street opening permits for each project must be obtained from the Department prior to the commencement of any construction.

Debbie Chin, 10 Pole Hill Drive, asked what material the existing pipeline is made of, when residents will be contacted regarding appliance shut off and what the timeline for the work will be. The Columbia Gas representative said the pipe material is a 4" line for high-density and that Columbia Gas will contact the residents prior to shutoff. They anticipate starting the work on Tewksbury immediately with the work on Summer Street to begin in mid-June and Topping Road is ready to begin. Selectman Kowalski expressed concerns about the type of cuts made to the roads and the satisfactory re-pavement of the roads to their pre-cut state.

C. One Thong Chai Thai – All-Alcoholic Beverage Restaurant License

On a motion by Selectman Kowalski and seconded by Selectman Lyman the Board voted 5-0 to approve the request of One Thong Chai Thai, LLC, d/b/a One Thong Chai Thai, 12 Post Office Avenue, for an All-Alcoholic Beverage Restaurant License at 12 Post Office Avenue, Andover. The licensed premises include outdoor seating on Post Office Avenue. William Tomamichel will be the designated Manager. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

VII. Water & Sewer Commissioners

On a motion by Selectman Major and seconded by Selectman Kowalski, the Board moved to adjourn as Selectmen to act as Water & Sewer Commissioners. Roll call: Chairman Alex Vispoli-Y and Selectmen Brian Major-Y, Mary Lyman-Y, Dan Kowalski-Y, and Paul Salafia-Y.

1. Water & Sewer Rate Increase – First Reading

The Town Manager gave a presentation on the request for a water and sewer rate increase to be effective July 1, 2013 and as mentioned in his FY-14 Budget Presentation. The Town Manager distributed handouts that included information on Water and Sewer Rate Comparisons, Analysis of Bills with Peer Communities and Merrimack Valley Communities and Water and Sewer Budget and Rate Projections.

The Town Manager is proposing a rate increase for water of 2.5% this year which is a \$.07 increase. The goal of the five-year proposal is to show what the anticipated rate increases will be in the future; currently \$2.92 to \$2.99 for 2014, to \$3.06 for 2015, \$3.20 for 2016, \$3.33 for 2017 and \$3.61 for 2018. He also spoke about the importance of having a 20% Water Reserve Fund to be used for catastrophic emergencies, i.e. large water main breaks and to cover normal expenses by way of reserves instead to borrowing. Acting DPW Director Chris Cronin said the cost of a water main break can cost anywhere from \$12,000 to \$20,000 each and there were several this past year.

Selectman Kowalski questioned if a 2.5% increase is enough to cover expenses considering the possible future loss of North Reading as a water customer. He also asked what is being done to reduce costs. Sandy Gerraughty, DPW Business Manager, said budget line item number 5285 shows the actual number of \$255,000 budgeted for preventative maintenance. Maintenance is performed in-house on a day-to-day basis and is not part of the debt which is bonded. There is an incredible amount of maintenance done to keep the plant operating. Bob Marshall of Samos Lane asked if the Town is using reserves to cover operating costs. The Town Manager said they transfer funds from Reserves for Capital Projects.

The Town Manager provided a similar analysis for Sewer with a proposed rate increase of 8% for FY-14 followed by 2.5% yearly rate increases for the next five years. They have been drawing down on reserves heavily to operate the Sewer Program.

Chairman Vispoli said he feels the request for a rate increase should have been brought forward in the Fall of 2013, well before Budget presentations and preparation for Town Meeting and asked what the Strategic Plan is for the Water and Sewer Enterprise.

When asked why Andover's sewer rates are so low compared to other communities, Acting DPW Director Chris Cronin said they plan well, do a great job, and use good materials, however, they cannot stay at this low rate much longer. Selectman Vispoli said the Board will schedule the Second Reading of the request for June 3, 2013.

On a motion by Selectman Major and seconded by Selectman Kowalski, the Board voted 5-0 to adjourn as Water & Sewer Commissioners and to return as Selectmen to Open Session.

VIII. Regular Business of the Board

A. Selectmen's Policies

Chairman Vispoli said the Board has much to discuss and there is a need to schedule one or two additional sessions for policy discussions. The Board scheduled a meeting for Thursday, June 6th and a second for Wednesday, June 19th if needed.

B. 197 Andover Street

The Board agreed to hold on signing the Deed for a parcel of Conservation land at 197 Andover Street until more information is provided.

C. Inter-municipal Agreement – Pine Forest Park Subdivision

Selectman Salafia motioned for the Board to sign an Inter-municipal Agreement with the Town of North Reading and Angelo Petrosino, Trustee of Reliance Realty Trust, for water service to the Pine Forest Park Subdivision. The motion was seconded by Selectman Kowalski and voted 5-0 to approve.

D. Preservation Restriction – 410 High Plain Road

Selectman Salafia motioned for the Board to sign a Preservation Restriction for property located at 410 High Plain Road, Andover. Attorney Mark Johnson explained the request and said it has been reviewed by the ZBA and the Preservation Commission. The footprint will not be changed – they are restoring the existing barn for use as a house. The motion was seconded by Selectman Kowalski and voted 5-0 to approve.

E. Special State Election Warrant

Selectman Kowalski motioned for the Board to sign the Warrant for the Special State Election for Senator in Congress to be held on Tuesday, June 25, 2013 with voting at the Richard J. Collins Field House at Andover High School and the Center at Punchard, Whittier Court. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

G. Future Meeting Dates

The Board discussed meeting dates for July and August and agreed upon Monday, July 1st and 15th and Monday, August 5th and 19th.

IX. Consent Agenda

A. License Agreement – Brasserie 28

On a motion by Selectman Major and seconded by Selectman Kowalski, the Board voted 5-0 to authorize the Chairman to sign the License Agreement between the Town and Morello Hospitality Group, d/b/a Brasserie 28, for outdoor dining at 2 Elm Square, Andover.

B. Special License – Turtle Creek Winery

Selectman Salafia motioned to approve the request of Kip Kumler, on behalf of Lexington Consulting Group, Inc., d/b/a Turtle Creek Winery, Post Office Box 601, Lincoln, NH, for a Section 15F Special License for the Sale and Sampling of Wine by a Farmer-Winery at the Andover Historical Society's Farmer Market, 97 Main Street, Andover, each Saturday from June 29, 2013 through October 5, 2013 from 10:00 A.M. to 2:00 P.M. The request has been reviewed and approved by the Town Clerk subject to the

condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Kowalski and voted 5-0 to approve.

C. Block Party Requests

Selectman Major motioned to approve the request of Neil B. Magenheimer, 14 Henderson Avenue, for permission to block off his street at the intersection of Lupine Road on Saturday, June 15th from Noon to 5:00 P.M. for a neighborhood block party as well as the request of Kate McHugh, 11 Wolcott Avenue, for permission to block off her street on Saturday, June 15th from 4:00 P.M. to 8:00 P.M. (raindate – Sunday, June 16, 2013) for a neighborhood block party. The requests have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Salafia and voted 5-0 to approve.

D. Change of Manager

Selectman Kowalski motioned to approve the request of the Andover Country Club, Inc., d/b/a Andover Country Club, 62 Canterbury Street, for a Change on Manager on their All-Alcoholic Innholder License. The new Manager of record will be James Castryck. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Major and voted 5-0 to approve.

E. Storage of Inflammables Annual Registrations for 2013

On a motion by Selectman Salafia and seconded by Selectman Lyman the Board voted 5-0 to approve that the following Storage of Inflammable license holder who has submitted their 2013 Certificate of Registration: AOC Transport, Inc., d/b/a 125 Getty, Salem Street & Rte. 125 By-pass by approved. The renewal has been reviewed and approved by the Fire Prevention Officer and Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the Certificate of Registration.

F. Appointments and Re-Appointments

Selectman Kowalski motioned for the following appointments by the Town Manager be approved:

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY SERVICES</u>			
Renee C. Silva	Art Teacher – PT	\$650.00	7/8/13
Eric A. Pereira	Lifeguard – PT	C2A/\$8.00/hr.	4/29/13
Julia Paone	Asst. Program Director – PT	C12C/\$18.00/hr.	4/22/13
Morgan C. Prudden	Supervisor – PT	C5A/\$10.25/hr.	5/01/13
Brian R. Burns	Counselor – PT	C2A/\$8.00/hr.	4/29/13

DEPARTMENT	POSITION	RATE	EFF. DATE
Jennifer N. Levenson	Tennis Instructor – PT	C2A/\$8.00/hr.	6/03/13
<u>YOUTH SERVICES</u>			
Xavier Davenport	Counselor 1 – PT	C2C/\$8.50/hr.	4/22/13
<u>MEMORIAL HALL LIBRARY TRUSTEES</u>			
Mark J. Yanowitz – Term expires 6/30/14 (v. S. Traina)			
<u>COUNCIL ON AGING</u>			
Jane M. Gifun – Term expires 6/30/15 (v. J. Deso)			
<u>INFORMATION TECHNOLOGY ADVISORY COMMITTEE – Terms expire 6/30/16</u>			
Maurice Desruisseau Firdaus Bhathena Mark Merritt			

X. Approval of Minutes from Previous Meetings

Selectman Lyman motioned to approve the minutes of the Re-organization Meeting on March 27, 2013, the April 1 and 3, 2013 Regular Meetings, the April 3, 2013 Tri-Board Budget Subcommittee Workshop (Board of Selectmen, Finance Committee & School Committee), the Regular Meetings of April 8, 17 and 22, 2013 and the May 1, 2013 Minutes of the Tri-Board Meeting (Board of Selectmen, Finance Committee & School Committee) as presented. The motion was seconded by Selectman Salafia.

Selectman Kowalski asked the vote on the Regular Meeting Minutes of April 8, 2013 be held and he abstained from voting on the April 3rd Tri-board Meeting.

The Board voted 5-0 to approve the minutes presented with exception of the April 8, 2013 Regular Meeting Minutes and voted 4-0-1 to approve the Tri-board Sub Committee Meeting Minutes. Selectman Kowalski abstained.

XI. Adjournment

At 9:43 P.M., on a motion by Selectman Salafia and seconded by Selectman Lyman, the Board unanimously voted to adjourn. Roll call: Chairman Alex Vispoli-Y and Selectmen Brian Major-Y, Mary Lyman-Y, Dan Kowalski-Y, and Paul Salafia-Y.

Respectfully submitted,

Dee DeLorenzo, Recorder

Documents: Water and Sewer Budget Presentation